THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.11068 of 2006

Dated: 15-06-2006

Between:

The Khammam District Co-operative Marketing Society Ltd., rep. by its Business Manager Sri P. Seshagiri Rao, Khammam.

..Petitioner

and

The Assistant Commissioner of Employees Provident fund, A.P.S.F.C. Building, Hanamkonda, Warangal District and others.

..Respondents.

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W.P.No.11068 of 2006

ORDER:

Heard the learned counsel for the petitioner and Sri R.N. Reddy, the learned counsel appearing for the respondents.

The petitioner seeks a declaration that the impugned demand notice dated 07-04-2006 as well as the certificate dated 07-04-2006 issued under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 as arbitrary and illegal.

Though various grounds have been raised, the learned counsel for the petitioner submits that as a matter of fact, the petitioner society made a representation to the first respondent long back on 13-12-2005 explaining the financial position of the society and requesting the respondents to defer any steps for recovery and therefore the impugned proceedings are unwarranted.

A copy of the said representation has been placed before this Court. Keeping in view that the representation made by the petitioner society is still pending, without expressing any opinion as to the liability of the petitioner society, the Writ Petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 13-12-2005 and to pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of copy of this order. Till such time, the respondents are directed not to take any coercive steps in pursuance of the impugned certificates dated 07-04-2006. No costs.

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G. ROHINI, J

Dated: 15-06-2006

Note:

CC by three days.

(Bo)

sj